

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

The Specification has been amended to correct minor informalities. Claims 1, 42, 43, 45, and 57 have been amended. No new matter has been added. Claim 41 has been canceled without prejudice or disclaimer. Accordingly, claims 1-40, and 42-102 are pending, of which claims 60-102, have been withdrawn. As such claims 1-40 and 42-59 are currently submitted for examination, of which claims 1 and 45 are independent claims.

In the Office Action dated February 16, 2007, the Examiner objected to the disclosure for minor informalities; objected to claim 1 for minor informalities; rejected claim 1 under 35 U.S.C. §103(a), as being allegedly unpatentable over U.S. Patent No. 6,869,542 to Desphande et al. ‘542 (“Desphande”) in view of Andosca et al. (J. Appl. Phys. 72(3) 1 August 1992 pp 1126-1132) (“Andosca”) and rejected claims 2-6, 12-16, 18-23, 28-32, 34-35, 37-39, and 48-59, under 35 U.S.C. §103(a), as being allegedly unpatentable by Desphande in view of Andosca and further in view of U.S. Patent No. 6,635,575 to Xia et al. (“Xia”).

Applicant appreciates the indication that claims 7-11, 17, 24-27, 33, 36, and 40-47 would be allowable if rewritten in independent form.

Restriction Requirement

While Applicant strongly disagrees with rationale for the Restriction Requirement, Applicant maintains its traversal and reserves the right to file a petition and/or file a divisional application directed to the non-elected subject matter.

Objection to the Disclosure

The disclosure was objected to for omitting reference numeral 117 shown in FIG. 1. Applicant traverses this objection for at least the following reasons.

Applicant has amended paragraph [0030] of the specification to mention the reference character 117 shown in FIG. 1.

Accordingly, Applicant requests the withdrawal of the objection to the disclosure.

Claim Objection

Claim 1 was objected to for a minor informality. Applicant has amended claim 1, line 5 by replacing “Rate” with “Resistant,” as recommended by the Examiner. Accordingly, Applicant requests the withdrawal of the objection of claim 1.

Claim Rejections

I. Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Desphande in view of Andosca. Applicant traverses this rejection for at least the following reasons.

As recognized and admitted by the Office Action, Desphande fails to disclose, teach, or suggest the details of forming the TERA layer by PECVD deposition process.

Further, Applicant submits that none of the cited portions of Andosca overcome the shortcomings of Desphande. For example, Applicant submits that the cited portions of Andosca fail to disclose, teach, or suggest a method for depositing material on a substrate, comprising *inter alia* providing a first process gas to a center region of a shower plate assembly coupled to the upper electrode at a first flow rate; and providing a second process gas to an edge region of the shower plate assembly at a second flow rate, as recited in claim 1.

Therefore, for at least the above reasons, the cited portions of the Desphande, Andosca, or a reasonable combination thereof, fail to disclose, teach, or suggest each and every feature recited by claim 1. Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §103(a) of claim 1 over Desphande in view of Andosca should be withdrawn and the claim be allowed.

II. Claims 2-6, 12-16, 18-23, 28-32, 34, 35, 37-29 and 48-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Desphande in view of Andosca and further in view of Xia. Applicant traverses this rejection for at least the following reason.

As discussed above, neither the cited portions of Desphande, Andosca, nor a reasonable combination thereof disclose, teach, or suggest each and every element as recited in claim 1.

Further, Applicant submits that none of the cited portions of Xia overcome the shortcomings of Desphande and Andosca. For example, Applicant submits that the cited portions of Xia fail to disclose, teach, or suggest a method for depositing material on a substrate, comprising *inter alia* providing a first process gas to a center region of a shower plate

assembly coupled to the upper electrode at a first flow rate; and providing a second process gas to an edge region of the shower plate assembly at a second flow rate, as recited in claim 1.

Therefore, for at least the above reasons, the cited portions of the Desphande, Andosca, Xia, or a reasonable combination thereof, fail to disclose, teach, or suggest each and every feature recited by claim 1. Claims 2-6, 12-16, 18-23, 28-32, 34, 35, 37-29 and 48-59 depend respectively from claim 1 and are patentable for at least the same reasons provided above related to claim 1 and for the additional features recited therein. Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §103(a) of claims 2-6, 12-16, 18-23, 28-32, 34, 35, 37-29 and 48-59 over Desphande in view of Andosca and further in view of Xia should be withdrawn and the claim be allowed.

Comments on Reasons for Allowance

The Office Action has set forth “Reasons for Allowance” which describe aspects of the claimed invention, but omit other aspects. Applicant respectfully traverses the expressed reasons for allowance. Specifically, it is submitted that the subject matter of the allowed claims is patentable for their respective recitations of claimed combinations as a whole, without any particular criticality or distinguishing feature being attributable to any one or more of such features, and without any narrowing interpretation being imposed on any of such features. Furthermore, Applicant also submits that the dependent claims are allowable not only for their dependence on the allowed independent claims, but also for the additional subject matter recited in each of those dependent claims.

Conclusion


All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner’s reconsideration of this application, and the immediate allowance of all pending claims.

Applicant’s Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP
SHAW PITTMAN LLP

By: 
ERIC B. COMPTON
Reg. No. 54806
Tel. No. 703.770.7721
Fax No. 703.770.7901

Date: April 27, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900